

## Government of Ireland Bill.

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A  
B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the provision for the Government of Ireland.

A.D. 1883.

WHEREAS it is expedient that without impairing or restricting the supreme authority of Parliament, an Irish Legislature should be created for such purposes in Ireland as in this Act mentioned :

- 5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Legislative Authority.*

- 10 1. On and after the appointed day there shall be in Ireland a Legislature consisting of Her Majesty the Queen and of two Houses, the Legislative Council and the Legislative Assembly. Establishment of Irish Legislature.

2. With the exceptions and subject to the restrictions in this Act mentioned, there shall be granted to the Irish Legislature Powers of Irish Legislature.  
15 power to make laws for the peace, order, and good government of Ireland in respect of matters exclusively relating to Ireland or some part thereof. Provided that, notwithstanding anything in this Act contained, the supreme power and authority of the Parliament of the United Kingdom of Great Britain and Ireland shall remain  
20 unaffected and undiminished over all persons, matters, and things within the Queen's dominions.

3. The Irish Legislature shall not have power to make laws in respect of the following matters or any of them :— Exceptions from powers of Irish Legislature.

- (1.) The Crown, or the succession to the Crown, or a Regency ;  
25 or the Lord Lieutenant as representative of the Crown ; or  
(2.) The making of peace or war or matters arising from a state of war ; the regulation of the conduct of any portion of Her  
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Majesty's subjects during the existence of hostilities between foreign states with which Her Majesty is at peace, in respect of such hostilities; or

- (3.) Navy, army, militia, volunteers, and any other military forces, or the defence of the realm or forts, permanent military camps, magazines, arsenals, dockyards, and other needful buildings, or any places purchased for the erection thereof; or
- (4.) Treaties and other relations with foreign States, or the relations between different parts of Her Majesty's dominions, or offences connected with such treaties or relations, or procedure connected with the extradition of criminals under any treaty; or
- (5.) Dignities or titles of honour; or
- (6.) Treason, treason-felony, alienage, aliens as such, or naturalization; or
- (7.) Trade with any place out of Ireland; or quarantine, or navigation, including merchant shipping (except as respects inland waters and local health or harbour regulations); or
- (8.) Lighthouses, buoys, or beacons within the meaning of the Merchant Shipping Act, 1854 (except so far as they can consistently with any general Act of Parliament be constructed or maintained by a local harbour authority); or
- (9.) Coinage; legal tender; or any change in the standard of weights and measures; or
- (10.) Trade marks, merchandise marks, copyright, or patent rights.

Provided always, that nothing in this section shall prevent the passing of any Irish Act to provide for any charges imposed by Act of Parliament.

It is hereby declared that the exceptions from the powers of the Irish Legislature contained in this section are set forth and enumerated for greater certainty, and not so as to restrict the generality of the limitation imposed in the previous section on the powers of the Irish Legislature.

Any law made in contravention of this section shall be void.

Restrictions  
on powers  
of Irish  
Legislature.

4. The powers of the Irish Legislature shall not extend to the making of any law—

- (1.) Respecting the establishment or endowment of religion, whether directly or indirectly, or prohibiting the free exercise thereof; or
- (2.) Imposing any disability, or conferring any privilege, advantage, or benefit, on account of religious belief; or

(3.) Diverting the property of any religious body, abrogating or prejudicially affecting the right to establish or maintain any place of denominational education or any denominational institution or charity; or

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(4.) Prejudicially affecting the right of any child to attend a school receiving public money, without attending the religious instruction at that school: or

(5.) Whereby any person may be deprived of life, liberty, or property without due process of law in accordance with settled principles and precedents, or may be denied the equal protection of the laws, or whereby private property may be taken without just compensation; or

(6.) Whereby any existing corporation incorporated by Royal Charter or by any local or general Act of Parliament (not being a corporation raising for public purposes taxes, rates, cess, dues, or tolls, or administering funds so raised) may, unless it consents, or the leave of Her Majesty is first obtained on address from the two Houses of the Irish Legislature, be deprived of its rights, privileges, or property without due process of law in accordance with settled principles and precedents.

Any law made in contravention of this section shall be void.

#### *Executive Authority.*

5.—(1.) The executive power in Ireland shall continue vested in Her Majesty the Queen, and the Lord Lieutenant, or other chief executive officer or officers for the time being appointed in his place, on behalf of Her Majesty, shall exercise any prerogatives or other executive power of the Queen the exercise of which may be delegated to him by Her Majesty, and shall, in Her Majesty's name, summon, prorogue, and dissolve the Irish Legislature; and every instrument conveying any such delegation of any prerogative or other executive power shall be presented to the two Houses of Parliament as soon as conveniently may be.

Executive power in Ireland.

(2.) There shall be an Executive Committee of the Privy Council of Ireland to aid and advise in the government of Ireland, being of such numbers, and comprising persons holding such offices under the Crown as Her Majesty may think fit, or as may be directed by Irish Act.

(3.) The Lord Lieutenant shall, on the advice of the said Executive Committee, give or withhold the assent of Her Majesty

A.D. 1893. — to Bills passed by the two Houses of the Irish Legislature, subject nevertheless to any instructions given by Her Majesty in respect of any such Bill.

*Constitution of Legislature.*

Composition  
of Irish  
Legislative  
Council.

6.—(1.) The Irish Legislative Council shall consist of forty-eight 5  
councillors.

(2.) Each of the constituencies mentioned in the First Schedule to this Act shall return the number of councillors named opposite thereto in that schedule.

(3.) Every man shall be entitled to be registered as an elector, 10  
and when registered to vote at an election, of a councillor for a constituency, who owns or occupies any land or tenement in the constituency of a rateable value of more than twenty pounds, subject to the like conditions as a man is entitled at the passing of this Act to be registered and vote as a parliamentary elector 15  
in respect of an ownership qualification or of the qualification specified in section five of the Representation of the People Act, 1884, as the case may be: Provided that a man shall not be entitled to be registered, nor if registered to vote, at an election of a councillor in more than one constituency in the same year. 20

46 & 47 Vict.  
c. 8.

(4.) The term of office of every councillor shall be eight years, and shall not be affected by a dissolution; and one half of the councillors shall retire in every fourth year, and their seats shall be filled by a new election.

Composition  
of Irish  
Legislative  
Assembly.

7.—(1.) The Irish Legislative Assembly shall consist of one 25  
hundred and three members, returned by the existing parliamentary constituencies in Ireland, or the existing divisions thereof, and elected by the parliamentary electors for the time being in those constituencies or divisions.

(2.) The Irish Legislative Assembly when summoned may, 30  
unless sooner dissolved, have continuance for five years from the day on which the summons directs it to meet and no longer.

(3.) After six years from the passing of this Act, the Irish Legislature may alter the qualification of the electors, and the constituencies, and the distribution of the members among the 35  
constituencies, provided that in such distribution due regard is had to the population of the constituencies.

Disagree-  
ment  
between two  
Houses, how  
settled.

8. If a Bill or any provision of a Bill adopted by the Legislative Assembly is lost by the disagreement of the Legislative Council, and after a dissolution, or the period of two years from such 40  
disagreement, such Bill, or a Bill for enacting the said provision,

is again adopted by the Legislative Assembly and fails within three months afterwards to be adopted by the Legislative Council, the same shall forthwith be submitted to the members of the two Houses deliberating and voting together thereon, and shall be adopted or rejected according to the decision of the majority of those members present and voting on the question.

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*Irish Representation in House of Commons.*

9. Unless and until Parliament otherwise determines, the following provisions shall have effect—

Representation in Parliament of Irish counties and boroughs.

10 (1.) After the appointed day each of the constituencies named in the Second Schedule to this Act shall return to serve in Parliament the number of members named opposite thereto in that schedule, and no more, and Dublin University shall cease to return any member.

15 (2.) The existing divisions of the constituencies shall, save as provided in that schedule, be abolished.

(3.) The election laws and the laws relating to the qualification of parliamentary electors shall not, so far as they relate to parliamentary elections, be altered by the Irish Legislature, but this enactment shall not prevent the Irish Legislature from dealing with any officers concerned with the issue of writs of election, and if any officers are so dealt with, it shall be lawful for Her Majesty by Order in Council to arrange for the issue of such writs, and the writs issued in pursuance of such Order shall be of the same effect as if issued in manner heretofore accustomed.

*Finance.*

10.—(1.) Until the transfer herein-after mentioned the existing taxes in Ireland shall be imposed by Act of Parliament, and all matters relating to those taxes or to the hereditary revenues of the Crown in Ireland, or to the collection or management thereof, shall be regulated by Act of Parliament.

Financial arrangements as between United Kingdom and Ireland.

(2.) For the purposes of this Act the public revenue of Ireland shall be divided into general revenue and special revenue, and the general revenue shall consist of—

- (a) the gross revenue collected in Ireland from the said taxes;
- (b) the portion due to Ireland of the hereditary revenues of the Crown which are managed by the Commissioners of Woods; and
- 40 (c) an annual sum for the customs and excise duties (if any) collected in Great Britain on articles consumed in Ireland;



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Provided that an annual sum for the customs and excise duties (if any) collected in Ireland on articles consumed in Great Britain shall be deducted from the revenue collected in Ireland, and treated as revenue collected in Great Britain.

(3.) The above-mentioned annual sums shall be determined by the order of a committee appointed jointly by the Treasury and the Irish Government in equal proportions, with power to choose a chairman, or in default the chairman shall be appointed by Her Majesty, and the chairman shall have a second or casting vote, and such order shall be laid before both Houses of Parliament.

(4.) One-third part of the general revenue of Ireland, and also that portion of any Imperial miscellaneous revenue to which Ireland may claim to be entitled, whether specified in the Third Schedule to this Act or arising hereafter, shall be paid into the Exchequer of the United Kingdom as the contribution of Ireland to Imperial liabilities and expenditure as defined in that schedule.

(5.) The residue of the general revenue of Ireland shall, without being paid into the Exchequer of the United Kingdom, form part of the special revenue of Ireland.

(6.) The civil charges of government in Ireland shall, subject as in this Act mentioned, be borne after the appointed day by Ireland and regulated by Irish Act.

(7.) Where Parliament imposes any taxes expressly for the purpose of war, or of any special expenditure which Parliament declares to be war expenditure, or to be extraordinary expenditure for the defence of the realm, the revenue from those taxes which is collected in Ireland, or on articles consumed in Ireland, shall be paid into the Exchequer of the United Kingdom, and subject to the like deduction as above mentioned in respect of articles consumed in Great Britain, shall be treated as the contribution of Ireland for the said purpose.

(8.) After six years from the appointed day the imposition of the existing taxes in Ireland other than duties of customs or excise, and the regulation of all matters relating to the existing taxes in Ireland other than the duties of customs, and to the collection and management thereof, shall, save as respects duties on articles consumed in Great Britain, be transferred to the Irish Legislature, and the arrangements made by this Act for the contribution of Ireland to Imperial liabilities and expenditure shall be revised.

As to Irish  
Consolidated  
Fund and  
special  
revenue.

11.—(1.) On and after the appointed day there shall be an Irish Exchequer and Consolidated Fund separate from those of the United Kingdom.

(2.) The Irish Legislature, in order to provide for the public service of Ireland, may impose any taxes other than the existing taxes in Ireland, and all matters relating to the taxes so imposed, or to the miscellaneous public revenue of Ireland connected with the civil charges of government in Ireland, or to the collection and management of such taxes or revenue, shall be regulated by Irish Act, and the proceeds shall form part of the special revenue of Ireland.

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(3.) The special revenue, and, save as in this Act mentioned, all the public revenue of Ireland, shall be paid into the Irish Exchequer, and all sums paid into the Irish Exchequer shall form a Consolidated Fund, and be appropriated to the public service of Ireland by Irish Act, and shall not be applied for any purpose for which they cannot be so appropriated.

12.—(1.) There shall be charged on the Irish Consolidated Fund in favour of the Exchequer of the United Kingdom as a first charge on that fund all sums which—

Charges on Irish Consolidated Fund.

- (a) are payable to that Exchequer from the Irish Exchequer; or
- (b) are required to repay to the Exchequer of the United Kingdom sums issued to meet the dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891; or
- (c) otherwise have been or are required to be paid out of the Exchequer of the United Kingdom in consequence of the non-payment thereof out of the Exchequer of Ireland or otherwise by the Irish Government.

54 &amp; 55 Vict. c. 48.

(2.) If at any time the Controller and Auditor General of the United Kingdom is satisfied that any such charge is due, he shall certify the amount of it, and the Treasury shall send such certificate to the Lord Lieutenant, who shall thereupon by order without any counter-signature, direct the payment of the amount from the Irish Exchequer to the Exchequer of the United Kingdom, and such order shall be duly obeyed by all persons, and until the amount is wholly paid no other payment shall be made out of the Irish Exchequer for any purpose whatever.

(3.) There shall be charged on the Irish Consolidated Fund next after the foregoing charge—

- (a) all sums, for dividends or sinking fund on guaranteed land stock under the Purchase of Land (Ireland) Act, 1891, which the Land Purchase Account and the Guarantee Fund under that Act are insufficient to pay;

54 &amp; 55 Vict. c. 48.

A.D. 1883.

—

(b) all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund;

(c) an annual sum of five thousand pounds for the expenses of the household and establishment of the Lord Lieutenant; 5

(d) all existing charges on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant; and

(e) the salaries and pensions of all judges of the Supreme Court or other superior court in Ireland or of any county or 10 other like court, who are appointed after the passing of this Act, and are not the Exchequer judges hereafter mentioned.

(4.) Until all charges created by this Act upon the Irish Consolidated Fund and for the time being due are paid, no money shall be issued from the Irish Exchequer for any other purpose whatever. 15

*Irish Church  
Fund.  
32 & 33 Vict.  
c. 42.  
44 & 45 Vict.  
c. 71.*

13.—(1.) All existing charges on the Church property in Ireland, —that is to say, all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Amendment Act, 1891—shall so far as not paid out of the said property be charged on the Irish Consolidated Fund, and any 20 of those charges guaranteed by the Treasury, if and so far as not paid, shall be paid out of the Exchequer of the United Kingdom.

(2.) Subject to the existing charges thereon, the said Church property shall belong to the Irish Government, and be managed, administered, and disposed of as directed by Irish Act. 25

*Local loans.*

14.—(1.) All sums paid or applicable in or towards the discharge of the interest or principal of any local loan advanced before the appointed day on security in Ireland, or otherwise in respect of such loan, which but for this Act would be paid to the National Debt Commissioners, and carried to the Local Loans Fund shall, 30 after the appointed day, be paid, until otherwise provided by Irish Act, to the Irish Exchequer.

(2.) For the payment to the Local Loans Fund of the principal and interest of such loans, the Irish Government shall after the appointed day pay by half yearly payments an annuity for forty-nine 35 years, at the rate of four per cent on the principal of the said loans, exclusive of any sums written off before the appointed day from the account of assets of the Local Loans Fund, and such annuity shall be paid from the Irish Exchequer to the Exchequer of the United Kingdom, and when so paid shall be forthwith paid to 40 the National Debt Commissioners for the credit of the Local Loans Fund.

(3.) After the appointed day, money for loans in Ireland shall cease to be advanced either by the Public Works Loan Commissioners or out of the Local Loans Fund.

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15.—(1.) So much of any Act as directs payment to the Local  
 5 Taxation (Ireland) Account of any share of probate excise or  
 customs duties shall, together with any enactment amending the  
 same, be repealed as from the appointed day without prejudice to  
 the adjustment of balances after that day; but until otherwise  
 provided by Irish Act, the like amounts shall be paid out of the  
 10 Irish Exchequer to the Guarantee Fund or Local Taxation (Ireland)  
 Account as would have been paid out of the said duties if this Act  
 had not passed.

Supple-  
 mental as  
 to Local  
 Taxation  
 Accounts  
 and other  
 matters.  
 See 51 & 52  
 Vict. c. 60.  
 52 & 53 Vict.  
 c. 59.  
 53 & 54 Vict.  
 c. 8.  
 54 & 55 Vict.  
 c. 49.

(2.) The like amounts shall continue to be paid out of the aggregate  
 of the said duties to the Local Taxation Accounts in England and  
 15 Scotland as would have been paid if this Act had not passed, and  
 any residue of the said duties which forms part of the revenue of  
 Great Britain shall be paid into the Exchequer of the United  
 Kingdom.

(3.) Notwithstanding anything in the Purchase of Land  
 20 (Ireland) Act, 1891, the advances made by the issue of guaranteed  
 land stock under that Act shall not, save as in section nine of that  
 Act provided, exceed twenty-five times the share of each county in  
 the guarantee fund, which shall be ascertained on the basis of the  
 financial year in which this Act is passed.

25 (4.) The general revenue of Ireland and the sums payable there-  
 out shall be paid to and from such account and in such manner as  
 the Treasury direct.

(5.) Where any sum payable by virtue of this Act to the  
 Exchequer of the United Kingdom is required by law to be forth-  
 30 with paid to the National Debt Commissioners or to any other  
 person, that sum may be so paid without being paid into the  
 Exchequer.

(6.) All sums by this Act made payable from the Exchequer of  
 the United Kingdom shall be charged on and paid out of the  
 35 Consolidated Fund of the United Kingdom.

16.—(1.) Bills for appropriating any part of the public revenue  
 or for imposing any tax shall originate in the Legislative Assembly.

Money bills  
and votes.

(2.) It shall not be lawful for the Legislative Assembly to adopt  
 or pass any vote, resolution, address, or Bill for the appropriation  
 40 for any purpose of any part of the public revenue of Ireland, or of  
 any tax, except in pursuance of a recommendation from the Lord

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A.D. 1893. Lieutenant in the session in which such vote, resolution, address, or Bill is proposed.

Exchequer  
Judges for  
revenue  
actions,  
election  
petitions, &c.

17.—(1.) Two of the judges of the Supreme Court in Ireland shall be Exchequer judges, and shall be appointed under the great seal of the United Kingdom; and their salaries and pensions shall be charged on and paid out of the Consolidated Fund of the United Kingdom. 5

(2.) The Exchequer judges shall be removable only by Her Majesty on address from the two Houses of Parliament, and each such judge shall, save as otherwise provided by Parliament, receive the same salary and be entitled to the same pension as is at the time of his appointment fixed for the puisne judges of the Supreme Court, and during his continuance in office his salary shall not be diminished, nor his right to pension altered, without his consent. 15

(3.) An alteration of any rules relating to such legal proceedings as are mentioned in this section shall not be made except with the approval of Her Majesty the Queen in Council; and the sittings of the Exchequer judges shall be regulated with the like approval.

(4.) All legal proceedings in Ireland, which are instituted at the instance of or against the Treasury or Commissioners of customs, or any of their officers, or relate to the election of members to serve in Parliament, or touch any matter not within the powers of the Irish Legislature, or touch any matter affected by a law which the Irish Legislature have not power to repeal or alter, shall, if so required by any party to such proceedings, be heard and determined before the Exchequer judges or (except where the case requires to be determined by two judges) before one of them, and in any such legal proceeding an appeal shall, if any party so requires, lie from any court of first instance in Ireland to the Exchequer judges, and the decision of the Exchequer judges shall be subject to appeal to Her Majesty the Queen in Council and not to any other tribunal. 20 30

(5.) If it is made to appear to an Exchequer judge that any decree or judgment in any such proceeding as aforesaid has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judge shall appoint some officer whose duty it shall be to enforce that judgment or decree; and for that purpose such officer and all persons employed by him shall be entitled to the same privileges, immunities, and powers as are by law conferred on a sheriff and his officers. 35 40

(6.) The Exchequer judges, when not engaged in hearing and determining such legal proceedings as above in this section mentioned, shall perform such of the duties ordinarily performed by other judges of the Supreme Court in Ireland as may be assigned by Her Majesty the Queen in Council.

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(7.) All sums recovered by the Treasury or the Commissioners of customs or any of their officers, or recovered under any Act relating to duties of customs, shall, notwithstanding anything in any other Act, be paid to such public account as the Treasury or the Commissioners direct.

18.—(1.) Until the arrangements for the contribution of Ireland to Imperial liabilities and expenditure are revised as in this Act mentioned, the duties on postage in Ireland shall be imposed, and all matters relating to those duties or to the Post Office shall be regulated by Act of Parliament.

As to Irish Post Office revenue and expenditure.

(2.) If the Irish Post Office revenue is less than the Irish Post Office expenditure, the deficiency shall be paid to the Exchequer of the United Kingdom out of the Irish Exchequer, but if it is more, the excess shall be paid as part of the expenses attending the execution of the Post Office Acts, and shall form part of the special revenue of Ireland; the amount of such revenue and expenditure shall be determined by an order of the committee appointed as provided by this Act jointly by the Treasury and the Irish Government in relation to the general revenue of Ireland, and such order shall be laid before the House of Commons.

*Irish Appeals and Decision of Constitutional Questions.*

19.—(1.) The appeal from courts in Ireland to the House of Lords shall cease; and where any person would, but for this Act, have a right to appeal from any court in Ireland to the House of Lords, such person shall have the like right to appeal to Her Majesty the Queen in Council; and the right so to appeal shall not be affected by any Irish Act; and all enactments relating to appeals to Her Majesty the Queen in Council, and to the Judicial Committee of the Privy Council, shall apply accordingly.

Irish appeals.

(2.) When the Judicial Committee sit for hearing appeals from a court in Ireland, there shall be present not less than four Lords of Appeal, within the meaning of the Appellate Jurisdiction Act, 1876, and at least one member who is or has been a judge of the Supreme Court in Ireland.

39 &amp; 40 Vict. c. 59.

(3.) A rota of privy councillors to sit for hearing appeals from courts in Ireland shall be made annually by Her Majesty in Council,

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A.D. 1893. — and the privy councillors, or some of them, on that rota shall sit to hear the said appeals. A casual vacancy in such rota during the year may be filled by Order in Council.

(3.) Nothing in this Act shall affect the jurisdiction of the House of Lords to determine the claims to Irish peerages. 5

Special provisions for decision of constitutional questions.

20.—(1.) If it appears to the Lord Lieutenant or a Secretary of State expedient in the public interest that steps shall be taken for the speedy determination of the question whether any Irish Act or any provision thereof is beyond the powers of the Irish Legislature, he may represent the same to Her Majesty in Council, and thereupon 10 the said question shall be forthwith referred to and heard and determined by the Judicial Committee of the Privy Council, constituted as if hearing an appeal from a court in Ireland.

(2.) Upon the hearing of the question such persons as seem to the Judicial Committee to be interested may be allowed to appear 15 and be heard as parties to the case, and the decision of the Judicial Committee shall be given in like manner as if it were the decision of an appeal, the nature of the report or recommendation to Her Majesty being stated in open court.

(3.) Nothing in this Act shall prejudice any other power of 20 Her Majesty in Council to refer any question to the Judicial Committee or the right of any person to petition Her Majesty for such reference.

#### *Lord Lieutenant and Crown lands.*

Office of Lord Lieutenant.

21.—(1.) Notwithstanding anything to the contrary in any Act, 25 every subject of the Queen shall be qualified to hold the office of Lord Lieutenant of Ireland, without reference to his religious belief.

(2.) The term of office of the Lord Lieutenant shall be six years, without prejudice to the power of Her Majesty the Queen at any 30 time to revoke the appointment.

Use of Crown lands by Irish Government.

22. Her Majesty the Queen in Council may place under the control of the Irish Government, for the purposes of that government, such of the lands and buildings in Ireland vested in or held in trust for Her Majesty, and subject to such conditions or 35 restrictions (if any), as may seem expedient.

#### *Judges and Civil Servants.*

Tenure of future judges.

23. A judge of the Supreme Court or other superior court in Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address 40

from the two Houses of the Legislature of Ireland, nor during his continuance in office shall his salary be diminished or right to pension altered without his consent.

A.D. 1893.

24.—(1.) All existing judges of the Supreme Court, county court judges, and Land Commissioners in Ireland and all existing officers serving in Ireland in the permanent civil service of the Crown and receiving salaries charged on the Consolidated Fund of the United Kingdom, shall, if they are removable at present on address from both Houses of Parliament, continue to be removable only upon such address, and if removable in any other manner shall continue to be removable only in the same manner as heretofore; and shall continue to receive the same salaries, gratuities, and pensions, and to be liable to perform the same duties as heretofore, or such duties as Her Majesty may declare to be analogous, and their salaries and pensions shall be paid out of the Exchequer of the United Kingdom, and all sums so paid shall be repaid to that Exchequer from the Irish Exchequer: Provided that this section shall be subject to the provisions of this Act with respect to the Exchequer judges.

As to existing judges and other persons having salaries charged on the Consolidated Fund.

(2.) If any of the said judges, commissioners, or officers retires from office with the Queen's approbation before completion of the period of service entitling him to a pension, Her Majesty may, if she thinks fit, grant to him such pension, not exceeding the pension to which he would on that completion have been entitled, as to Her Majesty seems meet.

(3.) Sub-section (1) of this section shall apply to existing officers serving in Ireland in the permanent civil service of the Crown, who, although receiving salaries out of money provided by Parliament, are removable only for misconduct or incapacity.

25.—(1.) All existing officers in the permanent civil service of the Crown, who are not above provided for, and are at the appointed day serving in Ireland, shall after that day continue to hold their offices by the same tenure and to receive the same salaries, gratuities, and pensions according to the scale of the class to which they belong and to be liable to perform the same duties as heretofore or such duties as the Treasury in communication with the Irish Government may declare to be analogous; and during the period of five years after the passing of this Act (in this section and the Fourth Schedule referred to as the transitional period), the said gratuities and pensions shall be awarded by the Treasury after communicating with the Irish Government and the gratuities and pensions so awarded and the said salaries shall be paid to the payees by the Treasury

As to persons holding civil service appointments.



A.D. 1893. out of the Exchequer of the United Kingdom. Any such officer shall during the transitional period hold office unless he—

(a) leaves the service on a medical certificate, or under the existing rules as to age, or is dismissed for misconduct or incapacity; or

(b) is removed upon an abolition of office or re-organisation of department which does not involve the appointment of any new officer; or

(c) resigns under this section; or

(d) is required by the Irish Government to retire.

Provided that—

(a) six months written notice of resignation under this section or of required retirement shall, unless it is otherwise agreed, be given either by the said officer or by the Irish Government as the case requires; and

(b) before the end of the transitional period such number of officers only shall resign under this section, or be required to retire at one time and at such intervals of time as the Treasury, after communication with the Irish Government, sanction, so, however, that a notice to resign under this section given by an officer shall, unless withdrawn, operate at the end of the transitional period if he has not sooner left the service; and

(c) an officer resigning under this section shall show that he is not incapacitated by mental or bodily infirmity for the performance of his duties, and that he will not be required under the existing rules as to age to retire before the end of the transitional period, and otherwise he shall not be entitled to any further gratuity or pension than he would have been entitled to if he had left the service on a medical certificate.

(3.) Upon any such removal, or resignation under this section, or required retirement, there may be awarded to the officer by the Treasury, after communication with the Irish Government, a gratuity or pension in accordance with the Fourth Schedule to this Act, and for that purpose his service shall be reckoned as if it had continued to the end of the transitional period, or to any earlier date at which under the existing rules as to age he will be required to retire.

(4.) If any such officer is serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and continues to hold office after the end of the transitional period the Treasury may, within three months after the end of that period, award him a pension in accordance with the Fourth Schedule to

this Act which shall become payable to him on his ultimate retirement from the service of the Crown. A.D. 1893.

(4.) The gratuities and pensions awarded in pursuance of this section shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.

(5.) All sums paid out of the Exchequer of the United Kingdom in pursuance of this section shall be repaid to that Exchequer from the Irish Exchequer.

(6.) This section shall not apply to officers retained in the service of the Government of the United Kingdom, except that this section shall apply to the clerical staff of the Royal Irish Constabulary and Dublin Metropolitan Police, with the substitution of the Treasury for the Irish Government.

(7.) Where an officer, though not in the permanent civil service, is in the public service of the Crown, then—

(a) if he devotes his whole time to the duties of his office, this section shall apply to him in like manner as if he were in the permanent civil service; and

(b) if he does not so devote his whole time, and is removed from his office for any cause other than incapacity or misconduct, he may apply to the Treasury, who may award him compensation for loss of office in accordance with the Fifth Schedule to this Act.

(8.) This section shall apply to petty sessions clerks and to officers in the registry of petty sessions clerks in like manner as to officers in the public service of the Crown, with the exceptions that any payment in pursuance of this section to any such clerk or officer shall be made out of the fund out of which the pension of such clerk or officer is payable instead of out of the Exchequer of the United Kingdom, and that in considering the amount of gratuity or pension regard shall be had to the amount of the fund: Provided that—

(a.) If, by reason of anything done after the appointed day, the fund becomes insufficient to meet the full amount of the said gratuities and pensions, the deficiency shall be charged on and paid out of the Irish Consolidated Fund, but such charge shall be repaid, if and when the state of the fund allows to the Irish Consolidated Fund; and

(b.) The existing accumulated fund shall not be applied for any new purpose until every such gratuity and pension is satisfied.

A.D. 1893.

(9) For the purpose of determining finally the facts on all questions which may arise during the transitional period as to the rights of the officers or any of them under this section there shall be appointed a committee, consisting of A. B., the chairman, and C. D., and one other person to be nominated after the appointed 5 by the Executive Committee of the Irish Privy Council. Any vacancy which may arise among the persons named in this section may be filled by Her Majesty under Her Royal Sign Manual, and any vacancy which may arise from the death or resignation of the person nominated by the Executive Committee may be filled by that 10 Committee.

As to  
existing  
pensions  
and super-  
annuation  
allowances.

26. Any existing pension granted on account of service in Ireland as a judge of the Supreme Court or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or as an officer in the permanent civil service of the Crown other 15 than in an office the holder of which is after the appointed day retained in the service of the Government of the United Kingdom, shall be paid out of the Exchequer of the United Kingdom, and shall be repaid to that Exchequer from the Irish Exchequer.

*Police.*

20

As to Police.

27.—(1.) The forces of the Royal Irish Constabulary and Dublin Metropolitan Police shall, when and as local police forces are from time to time established in Ireland in accordance with the Sixth Schedule to this Act, be gradually reduced and ultimately cease to exist as mentioned in that Schedule; and thereupon the Acts 25 relating to such forces shall be repealed, and no forces organised and armed in like manner, or otherwise than according to the accustomed manner of a civil police, shall be created under any Irish Act; and after the passing of this Act, no officer or man shall be appointed to either of those forces; 30

Provided that until the expiration of six years from the appointed day, nothing in this Act shall require the Lord Lieutenant to cause either of the said forces to cease to exist, if as representing Her Majesty the Queen he considers it inexpedient.

(2.) The said two forces shall, while they continue, be subject to 35 the control of the Lord Lieutenant as representing Her Majesty, and the members thereof shall continue to receive the same salaries, gratuities, and pensions, and hold their appointments on the same tenure as heretofore, and those salaries, gratuities, and pensions, and all the expenditure incidental to either force, shall be 40 paid out of the Exchequer of the United Kingdom.

(3.) When any existing member of either force retires under the provisions of the Fifth Schedule to this Act, the Treasury may award to him a gratuity or pension in accordance with that Schedule.

A.D. 1893.

—

5 (4.) Those gratuities and pensions and all existing pensions payable in respect of service in either force, shall be paid by the Treasury to the payees out of the Exchequer of the United Kingdom.

(5.) Two-thirds of the net amount payable in pursuance of this section out of the Exchequer of the United Kingdom shall be repaid  
10 to that Exchequer from the Irish Exchequer.

*Miscellaneous.*

28. Save as may be otherwise provided by Irish Act,—

Irish Exchequer Consolidated Fund and Audit.

15 (a.) The existing law relating to the Exchequer and Consolidated Fund of the United Kingdom shall apply with the necessary modifications to the Exchequer and Consolidated Fund of Ireland, and an officer shall be appointed by the Lord Lieutenant to be the Irish Comptroller and Auditor General; and

20 (b.) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of such officer.

29 & 30 Viet. c. 88.

25 29.—(1.) Subject as in this Act mentioned and particularly to the Sixth Schedule to this Act (which Schedule shall have full effect) all existing election laws relating to the House of Commons and the members thereof shall, so far as applicable, extend to each of the two Houses of the Irish Legislature and the members thereof, but such election laws so far as hereby extended may be altered by Irish Act.

Law applicable to both Houses of Irish Legislature.

30 (2.) The privileges, rights, and immunities to be held and enjoyed by each House and the members thereof shall be such as may be defined by Irish Act, but so that the same shall never exceed those for the time being held and enjoyed by the House of Commons, and the members thereof.

35 30.—(1.) The Irish Legislature may repeal or alter any provision of this Act which is by this Act expressly made alterable by that Legislature, and also any enactments in force in Ireland, except such as either relate to matters beyond the powers of the Irish Legislature, or being enacted by Parliament after the passing of this Act may be expressly extended to Ireland. An Irish Act,  
40 notwithstanding it is in any respect repugnant to any enactment excepted as aforesaid, shall, though read subject to that enactment, be, except to the extent of that repugnancy, valid.

Supplemental provisions as to powers of Irish Legislature.

A.D. 1853.

(2.) An order, rule, or regulation, made in pursuance of, or having the force of, an Act of Parliament, shall be deemed to be an enactment within the meaning of this section.

(3.) Nothing in this Act shall affect Bills relating to the divorce or marriage of individuals, and any such Bill shall be introduced and proceed in Parliament in like manner as if this Act had not passed.

Limitation  
on borrow-  
ing by local  
authorities.

31. The local authority for any county or borough or other area shall not borrow money without either—

(a) special authority from the Irish Legislature, or

10

(b) the sanction of the proper department of the Irish Government;

and shall not, without such special authority, borrow;

(i) in the case of a municipal borough or town or area less than a county, any loan which together with the then outstanding debt of the local authority, will exceed twice the annual rateable value of the property in the municipal borough, town, or area; or

(ii) in the case of a county or larger area, any loan which together with the then outstanding debt of the local authority, will exceed one-tenth of the annual rateable value of the property in the county or area; or

(iii) in any case a loan exceeding one-half of the above limits without a local inquiry held in the county, borough, or area by a person appointed for the purpose by the said department.

25

#### *Transitory Provisions.*

Temporary  
restriction  
on powers  
of Irish  
Legislature  
and Execu-  
tive.

32.—(1.) During three years from the passing of this Act, and if Parliament is then sitting until the end of that session of Parliament, the Irish Legislature shall not pass an Act respecting the relations of landlord and tenant, or the sale, purchase, or letting of land generally: Provided that nothing in this section shall prevent the passing of any Irish Act with a view to the purchase of land for railways, harbours, waterworks, town improvements, or other local undertakings.

(2.) During six years from the passing of this Act, the appointment of a judge of the Supreme Court or other superior court in Ireland (other than one of the Exchequer judges) shall be made in pursuance of a warrant from Her Majesty countersigned as heretofore.

35

33.—(1.) Subject to the provisions of this Act Her Majesty the Queen in Council may make or direct such arrangements as seem necessary or proper for setting in motion the Irish Legislature and Government and for otherwise bringing this Act into operation.

A.D. 1893.  
Transitory  
provisions.

5 (2.) The Irish Legislature shall be summoned to meet on the first Tuesday in September, one thousand eight hundred and ninety-four, and the first election of members of the two Houses of the Irish Legislature shall be held at such time before that day, as may be fixed by Her Majesty in Council.

10 (3.) Upon the first meeting of the Irish Legislature the members of the House of Commons then sitting for Irish constituencies, including the members for Dublin University, shall vacate their seats, and writs shall, as soon as conveniently may be, be issued by the Lord Chancellor of Ireland for the purpose of holding an  
15 election of members to serve in Parliament for the constituencies named in the Second Schedule of this Act.

(4.) The existing Chief Baron of the Exchequer, and the senior of the existing puisne judges of the Exchequer Division of the Supreme Court, or if they or either of them are or is dead or unable  
20 or unwilling to act, such other of the judges of the Supreme Court as Her Majesty may appoint, shall be the first Exchequer judges.

(5.) Where it appears to Her Majesty the Queen in Council, before the expiration of one year after the appointed day, that any existing enactment respecting matters within the powers of the  
25 Irish Legislature requires adaptation to Ireland, whether—

(a) by the substitution of the Lord Lieutenant in Council, or of any department or officer of the executive Government in Ireland, for Her Majesty in Council, a Secretary of State, the Treasury, the Postmaster-General, the Board of Inland  
30 Revenue, or other public department or officer in Great Britain; or

(b) by the substitution of the Irish Consolidated Fund or moneys provided by the Irish Legislature for the Consolidated Fund of the United Kingdom, or moneys provided by Parliament; or

35 (c) by the substitution of confirmation by, or other act to be done by or to, the Irish Legislature for confirmation by or other act to be done by or to Parliament; or

(d) by any other adaptation;

Her Majesty, by Order in Council, may make that adaptation.

40 (6.) Her Majesty the Queen in Council may provide for the transfer of such property, rights, and liabilities, and the doing of such other things as may appear to Her Majesty necessary or

A.D. 1883. proper for carrying into effect this Act or any Order in Council under this Act.

(7.) An Order in Council under this section may make an adaptation or provide for a transfer either unconditionally or subject to such exceptions, conditions, and restrictions as may seem expedient.

(8.) The draft of every Order in Council under this section shall be laid before both Houses of Parliament for not less than two months before it is made, and such Order when made shall, subject as respects Ireland to the provisions of an Irish Act, have full effect, but shall not interfere with the continued application to any place, authority, person, or thing, not in Ireland, of the enactment to which the Order relates.

Continuance  
of existing  
laws, courts,  
officers, &c.

34.—Except as otherwise provided by this Act, all existing laws, institutions, authorities, and officers in Ireland, whether judicial, administrative, or ministerial, and all existing taxes in Ireland shall continue as if this Act had not passed, but with the modifications necessary for adapting the same to this Act, and subject to be repealed, abolished, altered, and adapted in the manner and to the extent authorised by this Act.

Appointed  
day.

35. Subject as in this Act mentioned the appointed day for the purposes of this Act shall be the day of the first meeting of the Irish Legislature, or such other day not more than seven months earlier or later as may be fixed by order of Her Majesty in Council either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections.

Definitions.

36. In this Act, unless the context otherwise requires—

The expression "existing" means existing at the passing of this Act.

The expression "constituency" means a parliamentary constituency or a county or borough returning a member or members to serve in either House of the Irish Legislature, as the case requires, and the expression "parliamentary constituency" means any county, borough, or university returning a member or members to serve in Parliament.

The expression "parliamentary elector" means a person entitled to be registered as a voter at a parliamentary election.

The expression "parliamentary election" means the election of a member to serve in Parliament.

The expression "tax" includes duties and fees, but does not include duties on postage.

The expression "duties of excise" does not include licence duties. A.D. 1893.

The expression "stamps" does not include stamps for collection of fees, or of other sums payable for services rendered.

- 5 The expression "existing taxes in Ireland" means the duties of customs, excise, and income tax, and the duties raised by existing stamps and licences in Ireland, whether the amount of such duties is or is not varied.

- 10 The expression "duties on postage" includes all rates and sums chargeable for or in respect of postal packets, money orders, or telegrams, or otherwise under the Post Office Acts or the Telegraph Act, 1892, or under the Acts relating to Savings Banks.

- 15 Expressions referring to the Post Office, and to the revenue and expenditure of the Irish Post Office, shall include a reference to telegraphs, savings banks, and all business transacted under the authority or control of the Postmaster-General.

The expression "Irish Act" means a law made by the Irish Legislature.

- 20 The expression "election laws" means the laws relating to the election of members to serve in Parliament, other than those relating to the qualification of electors, and includes all the laws respecting the registration of electors, the issue and execution of writs, the creation of polling districts, the taking of the poll, the questioning of elections, corrupt and illegal practices, the disqualification of members and the vacating of seats.

25 The expression "rateable value" means the annual rateable value under the Irish Valuation Acts.

The expression "salary" includes remuneration, allowances, and emoluments.

- 30 The expression "pension" includes superannuation allowance.

The expression "office" includes employment, and the expression "officer" includes the holder of any employment.

- Where by this Act provision is made for anything being done by "Her Majesty," or by the "Lord Lieutenant as representing Her Majesty," then, unless the context otherwise requires, the provision shall be construed to refer to Her Majesty acting in Council or through a Secretary of State.

37. This Act may be cited as the Irish Government Act, 1893. Short title.



A.D. 1898.

## SCHEDULES.

## FIRST SCHEDULE.

## LEGISLATIVE COUNCIL.

## CONSTITUENCIES AND NUMBER OF COUNCILLORS.

Constituencies.	Councillors.	
Antrim county - -	Three.	5
Armagh county - -	One.	
Belfast borough - -	Two.	
Carlow county - -	One.	
Cavan county - -	One.	
Clare county - -	One.	10
Cork county—		
East Riding - -	Three.	
West Riding - -	One.	15
Cork borough - -	One.	
Down county - -	One.	
Down county - -	Three.	
Dublin county - -	Three.	
Dublin borough - -	Two.	20
Fermanagh county - -	One.	
Galway county - -	Two.	
Kerry county - -	One.	
Kildare county - -	One.	
Kilkeny county - -	One.	25
King's county - -	One.	
Leitrim and Sligo counties	One.	
Limerick county - -	Two.	
Londonderry county - -	One.	
Longford county - -	One.	30
Louth county - -	One.	
Mayo county - -	One.	
Meath county - -	One.	
Monaghan county - -	One.	
Queen's county - -	One.	35
Roscommon county - -	One.	
Tipperary county - -	Two.	
Tyrone county - -	One.	
Waterford county - -	One.	
Westmeath county - -	One.	40
Wexford county - -	One.	
Wicklow county - -	One.	
	Forty-eight.	

The expression "borough" in this Schedule means an existing parliamentary borough.

Counties of cities and towns not named in this Schedule shall be combined with the county at large in which they are included for parliamentary elections, and if not so included, then with the county at large bearing the same name.

A borough named in this Schedule shall not for the purposes of this Schedule form part of any other constituency.

## SECOND SCHEDULE.

A.D. 1898.

## IRISH MEMBERS IN THE HOUSE OF COMMONS.

5	Constituency.	Number of Members for House of Commons.
	Antrim county - - -	Three.
	Armagh county - - -	Two.
10	Belfast borough (in divisions as mentioned below) - - -	Four.
	Carlow county - - -	One.
	Cavan county - - -	Two.
	Clare county - - -	Two.
15	Cork county (in divisions as mentioned below). - - -	Five.
	Cork borough - - -	Two.
	Down county - - -	Three.
	Down county - - -	Three.
20	Dublin county - - -	Two.
	Dublin borough (in divisions as mentioned below). - - -	Four.
	Fermagh county - - -	One.
	Galway county - - -	Three.
	Galway borough - - -	One.
25	Kerry county - - -	Three.
	Kildare county - - -	One.
	Kilkenny county - - -	One.
	Kilkenny borough - - -	One.
	King's county - - -	One.
30	Lancashire county - - -	Two.
	Limerick county - - -	Two.
	Limerick borough - - -	One.
	Londonderry county - - -	Two.
	Londonderry borough - - -	One.
35	Longford county - - -	One.
	Louth county - - -	One.
	Mayo county - - -	Three.
	Meath county - - -	Two.
	Monaghan county - - -	Two.
40	Newry borough - - -	One.
	Queen's county - - -	One.
	Roscommon county - - -	Two.
	Sligo county - - -	Two.
45	Tipperary county - - -	Three.
	Tyrone county - - -	Three.
	Waterford county - - -	One.
	Waterford borough - - -	One.
	Westmeath county - - -	One.
	Wexford county - - -	Two.
50	Wicklow county - - -	One.
		Eighty.

(1.) In this schedule the expression "borough" means an existing parliamentary borough.

55 (2.) In the parliamentary boroughs of Belfast and Dublin, one member shall be returned by each of the existing parliamentary divisions of those boroughs, and the law relating to the divisions of boroughs shall apply accordingly.

(3.) The county of Cork shall be divided into two divisions, consisting of the East Riding and the West Riding, and three members shall be elected by the East Riding, and two members shall be elected by the West Riding; and the law relating to divisions of counties shall apply to those divisions.

A.D. 1893.

## THIRD SCHEDULE.

## FINANCE.

IMPERIAL LIABILITIES, EXPENDITURE, AND MISCELLANEOUS  
REVENUE.*Liabilities.*

5

For the purposes of this Act, "Imperial liabilities" consist of—

(1.) The funded and unfunded debt of the United Kingdom, inclusive of terminable annuities paid out of the permanent annual charge for the National Debt, and inclusive of the cost of the management of the said funded and unfunded debt, but exclusive of the Local Loans stock and Guaranteed Land stock and the cost of the management thereof; and 10

(2.) All other charges on the Consolidated Fund of the United Kingdom for the repayment of borrowed money, or to fulfill a guarantee.

*Expenditure.*

For the purpose of this Act Imperial expenditure consists of expenditure 15  
for the following services:—

I. Naval and Military expenditure (including Greenwich Hospital).

II. Civil expenditure, that is to say,—

(a.) Civil list and Royal family.

(b.) Salaries, pensions, allowances, and incidental expenses of— 20

(i.) Lord Lieutenant of Ireland;

(ii.) Exchequer judges in Ireland.

(c.) Buildings, works, salaries, pensions, printing, stationery, allowances, and incidental expenses of—

(i.) Parliament; 25

(ii.) National Debt Commissioners;

(iii.) Foreign Office and diplomatic and consular service, including secret service, special services, and telegraph subsidies;

(iv.) Colonial Office, including special services and telegraph subsidies;

(v.) Privy Council; 30

(vi.) Board of Trade including the Mercantile Marine Fund, Patent Office, Railway Commission, and Wreck Commission but excluding Bankruptcy;

(vii.) Mint;

(viii.) Meteorological Society; 35

(ix.) Slave trade service.

(x.) Foreign mails and telegraphic communication with places outside the United Kingdom.

*Revenue.*

For the purposes of this Act the public revenue to a portion of which 40  
Ireland may claim to be entitled consists of revenue from the following sources:—

1. Suez Canal shares or payments on account thereof.

2. Loans and advances to foreign countries.

3. Annual payments by British possessions.  
 4. Fees, stamps, and extra receipts received by departments, the expenses of which are part of the Imperial expenditure.  
 5. Small branches of the hereditary revenues of the Crown.  
 6. Foreshores.

#### FOURTH SCHEDULE.

##### PROVISIONS AS TO PENSIONS AND GRATUITIES TO PERSONS IN THE PUBLIC SERVICE.

(1.) The gratuity or pension which may be awarded under this Act to any existing officer who is, on the appointed day, serving in Ireland in the permanent civil service of the Crown, and has not a salary charged on the Consolidated Fund of the United Kingdom, and is removable for reasons other than misconduct or incapacity, or to an officer who, though not in the permanent civil service, is in the public service, and devotes his whole time to the duties of his office, shall be as follows, namely:—

(A.) If the officer was serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and leaves the service during the transitional period on abolition of office or on re-organization of department, or on resignation under this Act, or on requirement from the Irish Government—a pension may be awarded, calculated in like manner as has heretofore been the custom under section seven of the Superannuation Act, 1859, and the enactments amending the same, in the case of an officer retiring on abolition of office, that is to say, at the rate of one-sixtieth of his salary for every completed year of service reckoned as follows:—

(i.) His years of service shall be reckoned as if he had served up to the end of the transitional period, or any earlier date at which he will be required under the existing rules as to age to retire, and his salary shall, where there are periodical increments, be taken at the amount which it would have reached if he had continued to serve in the same office up to the said end or date;

(ii.) There shall be added to the years of service so reckoned (in this schedule referred to as actual years), any additional years he might independently of this schedule reckon under section four of the Superannuation Act, 1859, and also the following years (in this schedule referred to as abolition years), namely:—

if he has completed less than ten actual years of service, three years;  
 if he has completed ten and less than fifteen actual years of service, five years;  
 if he has completed fifteen and less than twenty actual years of service, seven years;

A.D. 1893.

if he has completed more than twenty actual years of service, ten years ;

but no pension shall exceed two-thirds of his salary ; and no abolition years shall be reckoned in excess of the difference between the age of the officer at the time of his retirement and the age at which he will be required under the existing rules as to age to retire.

10 & 51 Vict.  
c. 87.

(B.) If the officer was serving in a capacity which qualifies him on retirement for a gratuity under section four of the Superannuation Act, 1887, the same gratuity may be awarded as might have been awarded if he had retired on the abolition of his office.

24 & 25 Vict.  
c. 56.

(C.) If the officer was on the register of copyists—the same gratuity may be awarded as might have been awarded if his name had been removed from the register on a medical certificate.

(D.) If the foregoing provisions do not apply to any officer—the gratuity or pension awarded may be such as to the Treasury appears just having regard to all the circumstances of the case, but less than the amount which might have been awarded to such officer if he had been in the permanent civil service.

(2.) This schedule shall apply to an officer in the registry of petty sessions clerks in like manner as if he was serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and to a petty sessions clerk in like manner as if he was an officer in the public service, and as if the fund applicable were money provided by Parliament.

(3.) The Pensions Commutation Act, 1871, shall apply to any officer who is awarded a pension under the foregoing provisions of this schedule, in like manner as if he had retired on the abolition of his office, and any terminable annuity payable in respect of the commutation of a pension shall be payable out of the same funds as the pension.

(4.) The pension which may be awarded under this Act to any existing officer, who is serving in a capacity which qualifies him for a pension under the Superannuation Act, 1859, and continues to hold office under the Irish Government after the end of the transitional period, shall be the like pension as might be awarded to such officer under the Superannuation Act, 1859, if he had at the end of that period retired from service on the abolition of office, but without the addition of any abolition years.

(5.) Where an existing officer in the public service who does not devote his whole time to the duties of his office, and is not provided for by any other provision of this Act, applies to the Treasury, such gratuity or pension may be awarded to him by way of compensation for loss of office as appears to the Treasury just, having regard to all the circumstances of the case, and especially to the amount of his remuneration out of moneys provided by Parliament :

Provided that the compensation shall in no case exceed three-fourths of the amount which might have been granted, if section seven of the Superannuation Act, 1859, had applied to him, and if the total remuneration of his office had not exceeded the amount received by him out of moneys provided by Parliament.

## FIFTH SCHEDULE.

A.D. 1893.

## PART I.

REGULATIONS, AS TO ESTABLISHMENT OF POLICE FORCES AND AS  
TO THE ROYAL IRISH CONSTABULARY AND DUBLIN METRO-  
POLITAN POLICE CEASING TO EXIST.

- (1.) Such local police forces shall be established under such local authorities and for such counties, municipal boroughs, or other larger areas as may be provided by Irish Act.
- (2.) Whenever the Executive Committee of the Privy Council in Ireland certify to the Lord Lieutenant that a police force adequate for local purposes has been established in any area, he shall within six months thereafter direct the Royal Irish Constabulary to be withdrawn from the performance of regular police duties in such area, and such order shall be forthwith carried into effect.
- (3.) Upon any such withdrawal the Lord Lieutenant as representing Her Majesty shall within six months thereafter order measures to be taken for reducing the numbers of the Royal Irish Constabulary to such extent as appears to him necessary by reason of the said withdrawal, and such order shall be duly executed.
- (4.) Upon the Executive Committee of the Privy Council in Ireland certifying to the Lord Lieutenant that adequate local police forces have been established in every part of Ireland, the Lord Lieutenant shall within six months after such certificate, or if the certificate is given within six years after the appointed day, at such later date before the expiration of those six years, as the Lord Lieutenant as representing Her Majesty thinks expedient, order measures to be taken for causing the whole of the Royal Irish Constabulary to cease to exist as a police force, and such order shall be duly executed.
- (5.) Where the area in which a local police force is established is part of the Dublin Metropolitan Police District, the foregoing regulations shall apply to the Dublin Metropolitan Police in like manner as if it were the Royal Irish Constabulary.

## PART TWO.

*Regulations as to Pensions for Officers and Men of Royal Irish Constabulary and of Dublin Metropolitan Police.*

*As to Officers.*

- For the purpose of executing the orders of the Lord Lieutenant mentioned in Part One of this schedule any officer or man of the Royal Irish Constabulary or the Dublin Metropolitan Police, as the case may be, shall, if so required, retire, and upon such retirement there may be awarded to him a pension as follows, that is to say:—

- (1.) If he is an officer there may be awarded to him—  
(a) if he was appointed on or before the eighteenth day of August one thousand eight hundred and eighty-two, a pension equal to one-fiftieth

See 45 & 46  
Vic. c. 62.

A.D. 1883.

of his annual salary for each completed year of service, with an addition of ten years to his actual years of service; and

- (b) if he was appointed since the eighteenth day of August one thousand eight hundred and eighty-two, a pension equal to one-sixtieth of his annual salary for each completed year of service, with the addition of twelve years to his actual years of service.

Provided that—

(i.) The pension awarded to an officer appointed before the tenth day of August one thousand eight hundred and sixty-six shall not be less than the pension which could have been awarded him under the provisions of the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter one hundred, intituled "An Act to regulate the superannuation allowance of the constabulary force in Ireland and the Dublin Metropolitan Police," if he had served as an officer over forty years; and

(ii.) In no case shall a pension exceed the maximum pension which, under the existing law, could be awarded to the officer if he had retired for length of service.

46 & 47 Vict.  
c. 34.

- (3.) Salary shall be calculated and service reckoned in accordance with the Constabulary (Ireland) Amendment Act, 1882.

(4.) In this schedule the expression "officer" includes the Inspector-General, the Deputy Inspector-General, an assistant inspector-general, the assistant inspector-general commandant at the depot, the town inspector at Belfast, a county inspector, a surgeon, the store-keeper and barrack-master, the veterinary surgeon, and a district inspector.

#### *As to Constables.*

- (5.) If he is a constable there may be awarded to him a pension equal to one-fiftieth of his annual pay for every completed year of service, with the addition of ten years to his actual years of service.

Provided that—

(i.) The pension awarded to a constable appointed before the tenth day of August one thousand eight hundred and sixty-six, shall not be less than the pension which could have been awarded to him under the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter one hundred intituled "An Act to regulate the superannuation allowance of the constabulary force in Ireland" and the Dublin Metropolitan Police," if he had served as a constable more than thirty years; and

(ii.) In no case shall the pension exceed the maximum pension, which under the existing law could be awarded to the constable if he had retired for length of service.

- (6.) In the case of a constable the amount of the annual pay shall be ascertained at the date of his retirement, and shall be calculated and his service reckoned in manner provided by the Constabulary and Police (Ireland) Act, 1883, and every year of service from the twenty-first to the twenty-fourth, both inclusive, shall be reckoned as two years.

48 & 47 Vict.  
c. 34.

(7.) In this schedule the expression "constable" includes the head constable major, a head constable, sergeant, acting sergeant, and constable, in the case of the Royal Irish Constabulary, and includes every member of the Dublin Metropolitan Police not being of higher rank than chief superintendent.

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*Miscellaneous.*

(8.) If any officer or constable enters with the approval of the Lord Lieutenant any local police force in Ireland, there may be awarded to him, a pension at the rate above mentioned for every year of completed service, with the addition to his actual years of service of each number of years not exceeding the number above mentioned as the Lord Lieutenant assigns.

(9.) The Pensions Commutation Act, 1871, shall apply to persons to whom, on retirement, a pension is awarded under this schedule, in like manner as if they had retired from the permanent civil service of the Crown on the abolition of their offices, and any terminable annuity payable in respect of the commutation of a pension shall be payable out of the same funds as the pension.

(10.) Where an officer or constable at the time of his retirement would, if he served for a few months more (not exceeding six) complete another year's service that year shall be reckoned as a completed year of service.

(11.) The reserve force of the Royal Irish Constabulary shall for the purposes of this schedule be deemed to be part of that force.

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## SIXTH SCHEDULE.

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### REGULATIONS AS TO HOUSES OF THE LEGISLATURE AND THE MEMBERS THEREOF.

#### *Legislative Council.*

(1.) There shall be a separate register of electors of councillors of the Legislative Council which shall be made, until otherwise provided by Irish Act, in like manner as the parliamentary register of electors.

(2.) Where, for the election of councillors any counties are combined so as to form one constituency, then until otherwise provided by Irish Act,

(a) the returning officer for the whole constituency shall be that one of the returning officers for Parliamentary elections for those counties to whom the writ is addressed, and the writ shall be addressed to the returning officer for the constituency with the largest population, according to the census of 1891.

(b) the returning officer shall have the same authority throughout the whole constituency as a returning officer at a Parliamentary election for a county has in the county.



A.D. 1893.

- (c) the registers of electors of each county shall jointly be the register of electors for the constituency.
- (d) for the purposes of this Schedule "county" includes a county of a city or town, and this Schedule, and the law relating to the qualification of electors shall apply, as if the county of a city or town formed part of the county at large with which it is combined, and the qualification in the county of a city or town shall be the same as in such county at large.
- (3.) Writs shall be issued for the election of councillors at such time not less than one nor more than three months before the day for the periodical retirement of councillors as the Lord Lieutenant in Council may fix.
- (4.) The day for the periodical retirement of councillors shall until otherwise provided by Irish Act be the last day of August in every fourth year.
- (5.) For the purpose of such retirement, the constituencies shall be divided into two equal divisions, and the constituencies in each province shall be divided as nearly as may be equally between those divisions, and constituencies returning two or more members shall be treated as two or more constituencies, and placed in both divisions.
- (6.) Subject as aforesaid, the particular constituencies which are to be in each division shall be determined by lot.
- (7.) The said division and lot shall be made and conducted before the appointed day in manner directed by the Lord Lieutenant in Council.
- (8.) The first councillors elected for the constituencies in the first division shall retire on the first day of retirement which occurs after the first meeting of the Irish Legislature, and the first councillors for the constituencies in the second division shall retire on the second day of retirement after that meeting.
- (9.) Any casual vacancy among the councillors shall be filled by a new election, but the councillor filling the vacancy shall retire at the time at which the vacating councillor would have retired.

*Legislative Assembly.*

- (10.) The Parliamentary register of electors for the time being shall, until otherwise provided by Irish Act, be the register of electors of the Legislative Assembly.

*Both Houses.*

- (11.) Until otherwise provided by Irish Act, the Lord Lieutenant in Council may make regulations for adapting the existing election laws to the election of members of the two Houses of the Legislature.
- (12.) Annual sessions of the Legislature shall be held.
- (13.) Any peer, whether of the United Kingdom, Great Britain, England, Scotland, or Ireland shall be qualified to be a member of either House.
- (14.) A member of either House may by writing under his hand resign his seat, and the same shall thereupon be vacant.
- (15.) The same person shall not be a member of both Houses

A.D. 1893.

(16.) Until otherwise provided by Irish Act, if the same person is elected to a seat in each House, he shall, before the eighth day after the next sitting of either House, by written notice, elect in which House he will serve, and upon such election his seat in the other House shall be vacant, and if he does not so elect, his seat in both Houses shall be vacant.

(17.) Until otherwise provided by Irish Act, any such notice electing in which House a person will sit, or any notice of resignation, shall be given in manner directed by the Standing Orders of the Houses, and if there is no such direction, shall be given to the Lord Lieutenant.

(18.) The powers of either House shall not be affected by any vacancy therein, or any defect in the election or qualification of any member thereof.

(19.) Until otherwise provided by Irish Act the holders of such Irish offices as may be named by Order of the Queen in Council before the appointed day, shall be entitled to be elected to and sit in either House notwithstanding that they hold offices under the Crown, but on acceptance of any such office the seat of any such person in either House shall be vacated unless he has accepted the office in succession to some other of the said offices.

*Transitory.*

(20.) The Lord Lieutenant in Council may, before the appointed day make regulations for the following purposes:—

(a.) The making of a register of electors of councillors in time for the election of the first councillors, and with that object for the variation of the days relating to registration in the existing election laws, and for prescribing the duties of officers, and for making such adaptations of those laws as appear necessary or proper for duly making a register;

(b.) The summoning of the two Houses of the Legislature of Ireland, the issue of writs and any other things appearing to be necessary or proper for the election of members of the two Houses;

(c.) The election of a chairman (whether called Speaker, President, or by any other name,) of each House, the quorum of each House, the communications between the two Houses, and such adaptation to the proceedings of the two Houses of the procedure of Parliament, as appears expedient for facilitating the conduct of business by those Houses on their first meeting;

(d.) The adaptation to the two Houses and the members thereof of any laws and customs relating to the House of Commons or the members thereof;

(e.) The deliberation and voting together of the two Houses in cases provided by this Act.

(21.) The regulations may be altered by Irish Act, and also in so far as they concern the procedure of either House alone, by Standing Orders of that House, but shall, until altered, have effect as if enacted in this Act.

To award the province for the Government of Ireland.

(Prepared and brought in by  
Mr. Stuchess, Mr. John Morley,  
Mr. Henry Joseph,  
and Mr. William Stewart)

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Ordered by The House of Commons, to be Printed,  
27 July 1896.

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